

Fall: Jury Says Nurses Were Not Negligent, No Damages Awarded.

The ninety year-old Alzheimer's patient had to be brought to the hospital by her son from an adult foster care facility after she began showing signs of a possible stroke, that is, a new facial drop and drooling. She also had a urinary tract infection.

The son told the emergency room staff that his mother had no recent history of falling.

Nevertheless, the first nurse assigned to the patient on the med/surg floor where she was sent made note she was raising the side rails, lowering the bed and providing a call light as fall-risk precautions.

The hospital chart contained nursing documentation that the patient was turned and repositioned every two hours and was checked on frequently between turnings.

Experts testified for the hospital that a bed alarm was not indicated for this patient, and, in any event, would not have prevented her from falling.

Phone records from the hospital corroborated the nursing documentation that a nurse phoned and spoke with the patient's son within minutes after his mother fell. His mother did not lay on the floor in her room all night until 7:00 the next a.m. without being discovered by the nurses.

Despite the fact the patient did fall in her hospital room and did sustain injuries, the jury in the Circuit Court, Oakland County, Michigan reportedly deliberated only forty-five minutes before returning a verdict finding that the patient's nursing care was appropriate in all respects. **Heffernan v. William Beaumont Hosp., 2009 WL 6836584 (Cir. Ct. Oakland Co., Michigan, September 18, 2009).**

The family's lawsuit alleged that the patient lay on the floor after she fell until 7:00 a.m. the next morning without being discovered by the hospital's nurses.

The hospital chart, however, contained a nurse's note that the patient's son was phoned at 1:05 p.m. and informed that his mother had fallen five minutes earlier at 1:00 p.m. that same afternoon. He was not first notified at 7:00 a.m. the next morning as he insisted in court.

The patient did not need a bed alarm, bed side rails or a sitter at her residential placement prior to coming to the hospital.

Hospital policy is to order a bedside sitter only when the patient is belligerent, hostile or overly anxious, none of which described this patient.

CIRCUIT COURT
OAKLAND COUNTY, MICHIGAN
September 18, 2009
